IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Justin P. Marston, Andrew S. Hatch
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COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

APPEAL BRIEF

Pursuant to the requirements of 37 C.F.R. § 41.37, please consider this document as the

Appellants' Brief in the present application currently before the Board of Patent Appeals and

Interferences (hereinafter "the Board"). A fee for a one month extension of time is included with

this filing.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is BlueSpace Software Corp.

II. RELATED APPEALS AND INTERFERENCES

To the best knowledge of the Appellants and the Appellants' legal representative, there are no other appeals or interferences that will directly affect, be affected by, or have a bearing on the decision of the Board in the present appeal.

III. STATUS OF CLAIMS

Claims 1-32 are currently pending in the present application. These claims were rejected in the Final Office Action of June 24, 2008 under 35 USC § 102(b) as allegedly being anticipated by Ahmed, European Patent Application Number EP 1085444.

The rejection of claims 1-32 is hereby appealed.

IV. STATUS OF AMENDMENTS

All claim amendments submitted to the Examiner during prosecution of the present application have been entered. The claims involved in the present appeal are presented in Section VIII.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, embodiments of the claimed invention store messages sent among the end-users in a data store of a messaging system, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational

manner. The claimed invention additionally applies rules to a submessage based at least in part on a priority assigned to a sender of the submessage.

      1.   Independent Claim 1

Independent claim 1 is directed to a messaging system for providing messaging to end-users, the system comprising:

     (i) a data store module for storing messages sent among the end-users, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational manner (*See, e.g.,* Specification, paragraphs 0008, 0020, 0016); and

     (ii) a control module for applying rules to a submessage based at least in part on a priority assigned to a sender of the submessage (*See, e.g.,* Specification, paragraphs 0051, 0052).

      2.   Independent Claim 13

Independent claim 13 is directed to a computer program product, comprising:

     (i) a computer-readable medium having computer program logic embodied therein for providing messaging to end-users, the computer program logic comprising:

     (ii) a data store module for storing messages sent among the end-users, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational manner (*See, e.g.,* Specification, paragraphs 0008, 0020, 0016), and wherein the data store stores a jobcode in association with the submessages, the jobcode representing a task (*See, e.g.,* Specification, paragraph 0070); and

     (iii) a control module for calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode (*See, e.g.,* Specification, paragraph 0083, 0070).

3.	Independent Claim 25

Independent claim 25 is directed to a computer-implemented method of providing messaging to end-users, comprising:

> (i) storing messages sent among the end-users in a data store of a messaging system, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational manner (*See, e.g.,* Specification, paragraphs 0008, 0020, 0016); and
>
> (ii) applying rules to a submessage based at least in part on a priority assigned to a sender of the submessage (*See, e.g.,* Specification, paragraphs 0051, 0052).

## VI.	GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection presented for review in the present appeal are as follows:

1.	Whether Ahmed anticipates claims 1-32 under 35 U.S.C. § 102(b).

## VII.	ARGUMENT

*A.	Claims 1-12 and 25-32 Are Not Anticipated by Ahmed*

Under 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987); 35 U.S.C. § 102; MPEP § 2131. Ahmed fails to disclose each and every limitation of the claimed invention.

Generally, independent claim 1 is directed towards providing messages to end-users. This includes applying rules to a submessage "based at least in part on a **priority assigned to a sender** of the submessage." For example, by allocating different priority settings to different

senders, a message received from an end-user working on an important project may have higher priority over more general messages. (Specification, paragraph 0051). Independent claim 25 recites similar limitations.

Ahmed fails to disclose such features. The Examiner cites Ahmed paragraph 0040 as showing a timestamp, considered by the Examiner to constitute the claimed priority assigned to a sender. Paragraph 0040 states that a message notification may include data such as a timestamp or subject. Such a timestamp reveals only when a message arrives, and does not constitute a priority. Even assuming *arguendo* that a timestamp were considered a priority, it would still not be "assigned **to a sender**" of the submessage, as claimed. Rather, it is part of a message itself, rather than being assigned to the sender. The Examiner alternatively cites Ahmed paragraphs 0041-0042. These paragraphs disclose a distribution list that determines the recipients of the message. However, even if a distribution list could somehow be considered to constitute the claimed "priority," it would still fail to disclose a priority "assigned **to a sender**" of the submessage. Rather, the distribution list is a property of the message. Note that distribution list 60 is part of the message in Ahmed Figure 2, and merely describes the intended recipients of the message. (Ahmed, paragraph 0033). Thus, Ahmed does not anticipate claims 1 or 25.

Claims 2-12 and 26-32 depend, directly or indirectly, from independent claims 1 and 25, respectively. Thus, they are not anticipated by Ahmed for at least the same reasons discussed above with respect to their respective independent claims.

B.   Claims 13-24 Are Not Anticipated by Ahmed

Generally, independent claim 13 is directed towards providing messages to end-users. More specifically, a computer-readable medium has logic comprising "a data store module for

storing messages… wherein the data store stores a jobcode in association with the submessages, the jobcode representing a task." The logic further comprises "a control module for calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode." Thus, for example, a system administrator could calculate statistics such as the amount of time that has been spent on composing messages that relate to a given jobcode. (Specification, paragraph 0083).

Ahmed fails to disclose these features. The Examiner cites Ahmed paragraph 0043 as allegedly disclosing "calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode." However, paragraph 0043 merely discloses determining a message lifetime, e.g. a period ending when everyone has read the message, when a given date has arrived, or when a sufficiently long time of no message accesses has elapsed. This at best shows determining a time since one particular date or event took place, but in no way discloses calculating an **aggregate** amount of time **spent interacting with submessages associated with the task** represented by the jobcode, as claimed. Thus, Ahmed fails to anticipate claim 13.

Claims 14-24 depend, directly or indirectly, from independent claim 13. Thus, they are not anticipated by Ahmed for at least the same reasons discussed above with respect to claim 13.

C.   *Conclusion*

The arguments presented herein demonstrate that claims 1-32 of the present application are patentable over the prior art of record. Therefore, Appellants respectfully request that the Board reverse the Examiner's rejections of these claims.

Respectfully Submitted,
Justin Marston and Andrew Hatch

Date: December 3, 2008   By: /Christopher King/

Christopher P. King, Reg. No. 60,985
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7633
Facsimile: (650) 938-5200

VIII. CLAIMS APPENDIX

The claims involved in the present appeal are as follows:

1.   A messaging system for providing messaging to end-users, the system

comprising:

> a data store module for storing messages sent among the end-users, wherein each
> message includes one or more submessages and wherein the data store stores
> the messages and submessages in a relational manner; and
> a control module for applying rules to a submessage based at least in part on a priority
> assigned to a sender of the submessage.

2.   The messaging system of claim 1, wherein the data store module comprises:

> a contents module adapted to store submessages of the messages sent among the end-
> users, wherein a message sent by a sender to a recipient includes one or more
> references to submessages in the contents module.

3.   The messaging system of claim 2, wherein the contents module stores a plurality

of submessages and wherein certain ones of the submessages are created by different end-users

at different times.

4.   The messaging system of claim 1, wherein the data store module stores only a

single version of each message and/or submessage.

5.   The messaging system of claim 1, further comprising:

> an attributes module for storing attributes of the messages and/or submessages in the
> data store.

6.   The messaging system of claim 5, wherein the attributes module is adapted to

store an attribute indicating a length of time that a message and/or submessage is retained.

7. The messaging system of claim 5, wherein the attributes module is adapted to store an attribute indicating a length of time that a message and/or submessage is valid.

8. The messaging system of claim 5, wherein the attributes module is adapted to store an attribute indicating security information for a message and/or submessage.

9. The messaging system of claim 5, wherein the attributes module is adapted to store an attribute indicating whether a message and/or submessage can be viewed by a given end-user.

10. The messaging system of claim 1, further comprising:
   a relationships module for holding data describing relationships among the messages and submessages.

11. The messaging system of claim 10, wherein the relationships module is adapted to hold data describing submessages within a message.

12. The messaging system of claim 1, further comprising:
   a client interface module for interfacing with client applications utilized by the end-users to access the messaging system.

13. A computer program product comprising:
   a computer-readable medium having computer program logic embodied therein for providing messaging to end-users, the computer program logic comprising:
   a data store module for storing messages sent among the end-users, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational manner, and wherein the data store stores a jobcode in association with the submessages, the jobcode representing a task; and
   a control module for calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode.

14.   The computer program product of claim 13, wherein the data store module comprises:

a contents module adapted to store submessages of the messages sent among the end-users, wherein a message sent by a sender to a recipient includes one or more references to submessages in the contents module.

15.   The computer program product of claim 14, wherein the contents module stores a plurality of submessages and wherein certain ones of the submessages are created by different end-users at different times.

16.   The computer program product of claim 13, wherein the data store module stores only a single version of each message and/or submessage.

17.   The computer program product of claim 13, further comprising:

an attributes module for storing attributes of the messages and/or submessages in the data store.

18.   The computer program product of claim 17, wherein the attributes module is adapted to store an attribute indicating a length of time that a message and/or submessage is retained.

19.   The computer program product of claim 17, wherein the attributes module is adapted to store an attribute indicating a length of time that a message and/or submessage is valid.

20.   The computer program product of claim 17, wherein the attributes module is adapted to store an attribute indicating security information for a message and/or submessage.

21.   The computer program product of claim 17, wherein the attributes module is adapted to store an attribute indicating whether a message and/or submessage can be viewed by a given end-user.

22. The computer program product of claim 13, further comprising:

a relationships module for holding data describing relationships among the messages and submessages.

23. The computer program product of claim 22, wherein the relationships module is adapted to hold data describing submessages within a message.

24. The computer program product of claim 13, further comprising:

a client interface module for interfacing with client applications utilized by the end-users to access the messaging system.

25. A computer-implemented method of providing messaging to end-users, comprising:

storing messages sent among the end-users in a data store of a messaging system, wherein each message includes one or more submessages and wherein the data store stores the messages and submessages in a relational manner; and

applying rules to a submessage based at least in part on a priority assigned to a sender of the submessage.

26. The computer-implemented method of claim 25, further comprising:

defining an attributes module in the messaging system, the attributes module for storing attributes of the messages and/or submessages in the data store.

27. The computer-implemented method of claim 26, wherein the attributes module is adapted to store an attribute indicating a length of time that a message and/or submessage is retained.

28. The computer-implemented method of claim 26, wherein the attributes module is adapted to store an attribute indicating a length of time that a message and/or submessage is valid.

29.   The computer-implemented method of claim 26, wherein the attributes module is adapted to store an attribute indicating security information for a message and/or submessage.

30.   The computer-implemented method of claim 26, wherein the attributes module is adapted to store an attribute indicating whether a message and/or submessage can be viewed by a given end-user.

31.   The computer-implemented method of claim 25, further comprising:
        defining a relationships module in the messaging system, the relationships module for
                holding data describing relationships among the messages and submessages.

32.   The computer-implemented method of claim 31, wherein the relationships module is adapted to hold data describing submessages within a message.

IX. EVIDENCE APPENDIX

No evidence of the types described in 37 CFR § 41.37(c)(1)(ix) has been submitted during prosecution of the present application.

X.   RELATED PROCEEDINGS APPENDIX

As indicated in Section II, to the best knowledge of Appellants and the Appellants' legal representative, there are no decisions rendered by a court or the Board that may directly affect, be affected by, or have a bearing on the decision of the Board in the present appeal.